

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC C. GEROLD,
Plaintiff,
v.

NOVORTIS RETALIN,
Defendant.

No. C07-04142 MJJ

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pending before the Court is Plaintiff's Application To Proceed In Forma Pauperis. (Docket No. 2.) On September 4, 2007, Magistrate Judge Maria-Elena James issued a Report and Recommendation ("R&R") regarding the Application. (Docket No. 5.) No objections to the R&R were received. The Court has considered the R&R and agrees with the Magistrate Judge's reasoning. Accordingly, the Court **ADOPTS** the R&R and orders as follows:

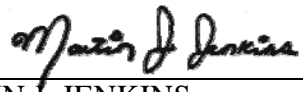
- 1) The Court **DISMISSES** Plaintiff's Complaint **WITH LEAVE TO AMEND** within thirty (30) days of the issuance of this Order. Any amended complaint should contain a simple statement of why Plaintiff believes the federal court has the power (i.e., the jurisdiction) to decide this case, a clear and concise explanation of what Plaintiff believes Defendant did that was unlawful and an explanation of what laws Plaintiff believes were violated by Defendant's conduct. Plaintiff can find more information on what needs to be in a complaint in the Pro Se Handbook, which is available on the district court's website, <http://www.cand.uscourts.gov>. If Plaintiff fails to file an

1 amended complaint within the specified time period that contains a short and plain
2 statement of the claim and the basis for federal court jurisdiction, this Court will
3 dismiss Plaintiff's Complaint with prejudice.

- 4 2) If Plaintiff wishes to maintain his application to proceed in forma pauperis, Plaintiff
5 **SHALL** amend his in forma pauperis application, within thirty (30) days of the
6 issuance of this Order, to provide the source of money and amount received from
7 each source stated in Section 2 of his application.

8 **IT IS SO ORDERED.**

9
10
11 Dated: October 11, 2007



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE